

2009 DRAFTING REQUEST

Bill

Received: **12/05/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grimsrud**

This file may be shown to any legislator: **NO**

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Subject: **Public Assistance - Wis works**

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Pre Topic:

DOA:.....Grimsrud, BB0249 -

Topic:

Streamlining Wisconsin Works

Instructions:

See attached

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2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Wisconsin Works (W-2) Streamlining
- Tracking Code: BB0249
- SBO team: Education, Children & Families
- SBO analyst: Sarah Grimsrud
 - Phone: 266-2288
 - Email: Sarah.Grimsrud@Wisconsin.gov
- Agency acronym: DCF
- Agency number: 437
- Priority (Low, Medium, High): High

Intent:

Amend Wisconsin statutes related to the W-2 program to decrease administrative costs and increase the quality of services provided to W-2 participants by W-2 agencies. Issue paper includes eight specific recommendations that either (1) eliminate existing statutes while preserving the intent through other policy requirements or the W-2 contract process, or (2) amend existing statutes in order to make administration of the W-2 program less complex. Issue paper attached.

DEPARTMENT OF CHILDREN AND FAMILIES
2009-11 Biennial Budget
Governor's Budget Issue Paper

Program: Wisconsin Works (W-2) Streamlining

Problem Description

Changes to state and federal laws since the program first began in 1997 have made the Wisconsin Works (W-2) program increasingly complicated and difficult to administer at the state and local level. Also, complicated directives have made explaining the program to applicants and participants a time consuming process. The complexity of the program and the resulting administrative burden creates a barrier to effectively helping Wisconsin families. Not only is it difficult to serve existing W-2 families, but it leaves less time and resources for serving additional Wisconsin families that may not be accessing W-2 services but would ultimately benefit from them. Some of these are related to federal requirements but many are state requirements that can be changed.

Background/Overview

The reauthorization of the Temporary Assistance for Needy Families (TANF) block grant in 2005 included administratively burdensome requirements related to tracking and verifying attendance in certain W-2 activities. Additionally, in reviewing the Wisconsin statutes related to the W-2 program, some go well beyond what is required by federal law. This complexity and burdensome administrative process has diverted the program from its primary goal of helping families achieve self-sufficiency through employment.

In addition, the program serves a different population today than it did 10 years ago. Many of the individuals served by the W-2 program in the first few years after implementation were able to move into employment within a relatively short timeframe. Since 1999 the make up of the W-2 caseload has been changing.

The Community Service Job (CSJ) and W-2 Transition (W-2 T) W-2 employment positions represent the two placement categories for those with barriers to employment. For these placements, the share of participants who were in W-2 T increased from 35% in July 1999 to 43% in July 2004, and to 58% in July 2007. Based on information reported by W-2 agencies through CARES, in December 2007, 31 percent of the total W-2 population had a disability-related barrier to employment. This does not include parents with children whose barriers affect the parents ability to work. The percentage of participants who have identified barriers has not declined during the last several years.

Proposal

Streamlining the Wisconsin statutes related to W-2 will decrease W-2 administrative costs and increase the quality of services provided to W-2 participants by the W-2 agencies. W-2 agencies could use their time to more effectively serve participants rather than spending time having to explain the complexities of W-2 policies. Case managers will have time to provide individualized services to existing W-2 participants and perhaps even more eligible Wisconsin families because policies and procedures will be simplified as a result of statutory modifications.

The Division of Family and Economic Security (DFES) has eight recommendations for streamlining W-2 statutes. Recommendations require either eliminating existing statutes while preserving the intent through other policy requirements or through the W-2 contract process, or amending existing statutes in order to make administration of the W-2 program less complex.

✓ 1. Eliminate Differing State and Federal 60-month Time Limits (Wis Stat. 49.145(1)(n))

Under TANF, receipt of "assistance" in any month impacts the federal 60-month time limit, as long as it meets the federal definition of assistance as provided under the final TANF regulations. Under W-2, *participation in or receipt of benefits* from a W-2 employment position impacts the state 60-month time limit. The goal of both the federal and state 60-month time limits is to motivate W-2 participants to obtain employment as quickly as possible and to do so by creating a sense of urgency.

Wisconsin's 60-month time limit statutory requirement was created prior to the federal time limit policy and the requirements are different. It was probably not the intent of the legislature to have two different 60-month clocks affecting W-2 participants. However, because the requirements are different, some types of TANF assistance provided under W-2 may not count toward the federal 60-month time limit and may count toward the state 60-month time limit, e.g., Trial Job participation and \$0 payments.

Participants could potentially reach their 60-month time limit under state law, but not under federal law or vice versa. This is very confusing to participants. In addition, CARES programming of two separate 60-month time limits is very complex. If the time limit policy remains as is, expenses will be incurred in order to update CARES programming to accurately track both the federal and the state 60-month time limits. Finally, program administration by W-2 agencies is burdensome due to the different rules and the availability of extensions.

Of the 193 participants who had reached 60 months on their state clocks and received extensions sometime between August 2007 and July 2008, approximately 101 had federal clocks at 60 or more months. Approximately 28 had federal clocks between 50 and 59 months. Those participants with the biggest discrepancies (high number on state clock and low number on federal clock) are due to an individual being a qualified alien or an SSI applicant.

This proposal would eliminate the state 60-month limit and instead require W-2 participants to adhere to the 60-month *federal* time limit.

✓ **2. Eliminate Time Limits by Placement Types (Wis. Stat. 49.147 (3)(c))**

Within the Trial Job (TJ), CSJ and W-2 T statutes are 24-month time limits for each placement type. In addition, TJ and CSJ placements have additional three and six month time limits related to how long an individual can be assigned to any one worksite or employer while in these placements. The goal of both time limits was to promote upward mobility on the "W-2 ladder" and to ensure ongoing assessment of participant's employability and W-2 placement

The shorter three and six month time limits are not necessary because agencies are continually reviewing eligibility and placement up to every six months and probably more frequently. In addition,

the 24-month time limits within the placement types are confused with the federal and state 60-month time limits and create error prone situations. Not only are there systems' complexities related to tracking these time limits, but they are hard for participants to understand. This is critical for W-2 participants in that the urgency of time limits is based on a clear understanding of the time limit policy.

In July 2008, of the 52 participants in Milwaukee reaching their 24-month time limit, 40 of them received an extension. Of the remaining 12, seven moved to an unpaid placement, three left W-2, one moved to another paid W-2 employment position and one was coded as "other."

Regarding length of stay, in July 2008, 58% of the paid caseload left W-2 between one and three months after beginning receiving assistance. In that same month, 19% left after between four and six months, 14% left after between seven and 12 months, 10% after between 13 and 60 months and 1% after 61 or more months.

Monitoring the different time limits and providing time limit extensions is extremely administratively burdensome to the W-2 agencies. The elimination of the time limits would result in an administrative savings to the W-2 agencies. This proposal would retain the 60-month lifetime limit, but simplify W-2 by eliminating the 24-month W-2 employment position time limits as well as other placement specific time limits.

✓ **3. Modify CSJ and W-2 T Weekly Participation Requirements (Wis. Stats. 49.147(as)(at); (5)(bs)(bt); and 49.148(c))**

Weekly participation in CSJ is limited to up to 30 hours per week of work training activities and up to 10 hours per week of education and training. Weekly participation in W-2 T is limited to up to 28 hours per week of work training activities and up to 12 hours per week of education and training. For both placement types, statutes allow up to 40 hours of assessment and motivation in the first two weeks of participation in that placement type. The goal of the hourly assignment was to ensure that while there was a blend of both work activities and education and training, the majority of the assigned hours focused on work training *rather* than education.

The specificity in the assignment of hours is confusing to workers and participants and limits a worker's flexibility in providing adequate services. In addition, the W-2 statutorily required hours conflict for some W-2 participants with the work participation requirements mandated by the federal government under TANF reauthorization. For example, under TANF, a W-2 T

participant with the youngest child six to 18 years of age must be assigned 20 hours per week of core activities and at least 10 additional hours of core or noncore activities for a total of 30 hours. Because many of our W-2 T participants cannot participate in any core activities and because the W-2 statutory requirement is only up to 28 hours of work training activities, many W-2 T participants do not meet their work participation requirements and this negatively impacts Wisconsin's work participation rate.

This proposal Remove the hours per week requirements placed on CSJ and W-2 T placement types while still requiring a 40 hour per week participation expectation. The elimination of the hours per week requirements will allow for more individualized services without hourly constraints.

✓ 4. Refusal to Participate for Participants (Wis. Stat. 49.151)

Current W-2 policy addresses nonparticipation with two types of penalties: payment reductions and "strikes." CSJ or W-2 T participants who fail to participate may have their W-2 payments reduced by \$5.15 for every missed hour. Participants who refuse to participate three times in any W-2 employment position may be ineligible to participate in that employment position for life (a "strike" is given each time a person refuses to participate). The goal of this policy is to encourage participation through the use of long-term penalties.

The 2005 LAB Program Audit of W-2 found that agencies seldom impose strikes and recommended that DWD instruct agencies to comply with strike policies or pursue statutory changes to this provision. Since 2003, only one case has closed due to three strikes.

The first and second strike, although a more severe result of nonparticipation than an hourly reduction, do not carry a strong enough message needed to increase participation. The third strike is seldom used because of the severity of permanent ineligibility for a W-2 employment position that comes with the third instance of refusal to participate. Also, a program based on participation should have a logical and easy-to-understand nonparticipation policy.

This proposal would amend the refusal to participate statutes as follows:

1. *Quantify when nonparticipation becomes a potential refusal to participate.* While nonparticipation activities are fairly well defined in existing statute, the statute should provide for quantifying nonparticipation to help determine when someone is potentially refusing to participate. For example, an individual who fails to participate in 75% of his or her activities for three consecutive months. While we would be better served developing the actual percentage in rule, the law should be revised to give the Department that ability. 49.148
+
49.151
2. *Outline steps that agencies must take to determine if, in fact, the nonparticipation is a refusal or inability to participate.* Before determining short-term ineligibility for a W-2 employment position, the agency would have to take steps in order to determine whether the failure to participate is an act of refusal rather than an inability to participate, ensure that services offered to the participant are appropriate, and determine whether good cause exists. new ?

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3. *Establish a conciliation period that allows for the participant to demonstrate participation during a designated compliance period.* Once it has been determined that the nonparticipation was an act of refusal rather than the participant's inability to participate and that the participant did not have good cause for the nonparticipation, the agency will be required to allow a conciliation period, during which the participant has the opportunity to provide additional documentation of attendance or of good cause and to participate under a compliance period.

Note: If this recommendation were adopted, it would be recommended that the statute related to twenty percent payment reduction notification be revised or eliminated. 49.153

✓ **5. Job Search Prior to Applying for W-2 (Wis. Stat. 49.145(2)(h))**

In order to be eligible for W-2 an applicant must have made a good faith effort to obtain employment and not have refused any bona fide offer of employment or quit a job without good cause within 180 calendar days immediately preceding application. The goal of this requirement is to ensure that individuals have made a fair attempt to secure employment *prior* to requesting assistance from the W-2 agency. On average, eight applications per month, or less than 1% of applications, are denied for this specific reason.

It is expected that prior to applying for W-2, an individual who is otherwise determined ready for unsubsidized employment will personally and diligently make a good faith effort to search for work on his or her own behalf. Anecdotally, people would rather find their own job than rely on W-2. If applicants have not made any attempts to secure employment prior to applying for the W-2 program, there is likely a chance that they are experiencing a financial, physical, or other personal crisis that must be resolved prior to finding or accepting a job. Verifying this type of information is very difficult as it is not expected that the individual had any contact with the W-2 agency during the 180-day period. The existing up-front job search requirement achieves the same goal.

Under this proposal, DCF would continue to require W-2 agencies to provide up-front job search assistance to applicants, but simplify W-2 by eliminating the statutorily defined nonfinancial eligibility criteria that states that in order to be eligible for W-2 an applicant must have made a good faith effort to obtain employment and not have refused any bona fide offer of employment or quit a job without good cause within 180 calendar days immediately preceding application.

✓ **6. Cooperation with the W-2 Agency as a Condition of Initial Eligibility (Wis. Stat. 49.145(2)(hm))**

In order to be eligible for W-2 an applicant must have cooperated with the W-2 agency's efforts to assist the individual in obtaining employment if the current application is within 180 calendar days of a previous application for W-2 services. The goal of this requirement was to deter non-cooperative applicants from cycling on and off assistance.

This requirement is no longer appropriate for the population being served in W-2 today due to the barriers faced by individuals accessing W-2. The prescriptive language of the statute makes

this a very complex policy to implement because it is confusing to participants, difficult for W-2 agencies to explain, and extremely complex to automate. The resulting ineligibility may not happen for at least one-half a year down the road from the failure to cooperate incident.

This proposal would create a new policy related to nonparticipation and simplify W-2 by eliminating the nonfinancial eligibility criteria that states that in order to be eligible for W-2 an applicant must have cooperated with the W-2 agency's efforts to assist the individual in obtaining employment if the current application is within 180 calendar days of a previous application for W-2 services.

Note: Recommendation #4 proposes that we replace statutory language related to refusal to participate *while* a W-2 participant. This policy would be more effective as the consequence is more closely associated with the action and it allows for the participant to remedy the situation through a conciliation process *prior* to losing eligibility due to noncooperation.

Data Review: On average, applications are denied for this reason seven times per month. Based on statistics provided to us in a study completed by the Institute on Research and Poverty, there are potentially over 1,000 applications per month for W-2, so that is a very small percentage.

✓ 7. Eliminate Learnfare (Wis. Stat. 49.26)

Learnfare was created during the period of experimentation with the AFDC program, prior to creation of W-2. Learnfare's basic intent was to address the correlation between lack of a high-school diploma and chronic welfare dependency by providing a financial incentive for custodial parents to ensure their children's school attendance. W-2 participants whose children age 6 and up are not enrolled in school and who do not cooperate with required case management without good cause may be sanctioned \$50 per month, up to \$150 per family.

This policy lacks demonstrated effectiveness. Data from 2004-2006 showed no Learnfare sanctions and an approximate 86% decrease in Learnfare enrollment between 1997 and 2006. It has not improved school attendance and it does not appear to be beneficial in assisting participants and their families from escaping poverty. Studies by both the LAB and the University of Wisconsin-Milwaukee Employment & Training Institute found that Learnfare had no demonstrated impact on school attendance or school completion for Learnfare participants compared to non-participants. In speaking with a small number of Learnfare workers, lack of funding appears to be the large issue. While the services may be valuable, the lack of resources to provide them coupled with the range of responsibilities already assumed by the case worker, make it difficult to administer the program effectively.

This proposal would eliminate the Learnfare statutory requirement and instead require agencies to provide more meaningful services to connect youth and their parents to schools, career development services, and workforce development programs including connections to Youth Apprenticeship programs and information about the Wisconsin Covenant. Agencies would be required to describe these services in the W-2 contract.

W-2 ?

→ 106.13

→ 15.105(31)
39.437 ?

✓ **8. Modify Community Steering Committee (CSC) and Children's Services Network (CSN) Requirements (Wis. Stats. 49.143(2)(a) and (b)) requirements**

W-2 agencies are required by contract to establish a CSC within 60 days after the date on which the contract is awarded. In addition, they are required to establish a CSN to provide information about community resources available to the dependent children in a W-2 group. The goals of these requirements are to: 1) provide W-2 participants with a wide range of community services; 2) strengthen the connection between the community and the W-2 agency; 3) avoid duplication of services whenever possible.

While strong ties to the community were a valid concern in 1997, W-2 agencies today make strong connections with the community regardless of these requirements. Due to shrinking funds targeted for these types of services, agencies are informing participants of existing community resources and avoiding duplication of services. In addition, the restrictive statutory requirements for creating the CSC and the creation of consortiums have hindered the W-2 agencies abilities to create these entities.

This proposal would eliminate the CSC and CSN statutes and require W-2 agencies to describe through the W-2 contracting process how they will connect with the community on issues such as: 1) employer connections, job creation, mentorships, the local Council on Workforce Investment, child care, etc.; and 2) charitable food and clothing centers, subsidized and low-income housing, transportation subsidies, etc. Agencies will also be required to describe how this information will be distributed to participants.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1059/2

PJK...

DOA:.....Grimsrud, BB0249 - Streamlining Wisconsin Works

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-vote
(in 12-10)

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.207 (24) (a) 7. of the statutes is amended to read:

3 15.207 (24) (a) 7. Subject to par. (d), ~~two~~ members who are nominated by a
4 children's services network established in Milwaukee County under s. 49.143 (2) (b)
5 and who are residents of the geographical area established under s. 49.143 (6) that
6 is served by the children's services network.

History: 2007 a. 20 ss. 53 to 64, 67; s. 13.92 (1) (bm) 2.

****NOTE: Since we are repealing the requirement to establish children's services networks, what do you want to do about nominating these members of the Milwaukee child welfare partnership council? Note that I repealed s. 15.207 (24) (d).

LPS -
no
striking
or
scoring
at
this
time.

1 **SECTION 2.** 15.207 (24) (d) of the statutes is repealed.

2 **SECTION 3.** 20.437 (2) (dz) of the statutes is amended to read:

3 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
4 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
5 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
6 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
7 experience program for noncustodial parents under s. 49.36; for payments to local
8 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
9 and for emergency assistance for families with needy children under s. 49.138.
10 Payments may be made from this appropriation for any contracts under s. 49.845 (4)
11 and for any fraud investigation and error reduction activities under s. 49.197 (1m).
12 Moneys appropriated under this paragraph may be used to match federal funds
13 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
14 department may transfer funds between fiscal years under this paragraph.
15 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
16 shall credit or deposit into this appropriation account funds for the purposes of this
17 appropriation that the department transfers from the appropriation account under
18 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
19 December 31 of each year lapse to the general fund on the next January 1 unless
20 transferred to the next calendar year by the joint committee on finance.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

21 **SECTION 4.** 46.215 (1) (j) of the statutes is amended to read:

22 46.215 (1) (j) To make payments in such manner as the department of children
23 and families may determine for training of recipients, former recipients, and

- 1 potential recipients of aid in programs the program established under s. 49.193, 1997
2 stats., and s. 49.26 (1).

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

****NOTE: Are payments still being made under the s. 49.193, 1997 stats., program?
If not, this paragraph can be repealed.

- 3 **SECTION 5.** 46.22 (1) (b) 2. e. of the statutes is amended to read:
4 46.22 (1) (b) 2. e. To make payments in such manner as the department of
5 children and families may determine for training of recipients, former recipients and
6 potential recipients of aid in programs the program established under s. 49.193, 1997
7 stats., and s. 49.26 (1).

****NOTE: Are payments still being made under the s. 49.193, 1997 stats., program?
If not, this paragraph can be repealed.

NOTE: NOTE: Subpar. e. is shown as affected by 2 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). NOTE:

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

- 8 **SECTION 6.** 49.143 (2) (a) of the statutes is repealed.

- 9 **SECTION 7.** 49.143 (2) (am) of the statutes is created to read:
10 49.143 (2) (am) Provide information and services aimed at connecting
11 Wisconsin Works participants with their communities and the resources available,
12 including employer and job connections, mentorships, child care services and
13 providers, the local council on workforce investment, charitable food and clothing
14 centers, subsidized and low-income housing, and transportation subsidies. The
15 contract shall include a description of the information and services the Wisconsin
16 Works agency will provide in fulfillment of the requirement under this paragraph
17 and how the the information and services will be provided.

- 18 **SECTION 8.** 49.143 (2) (b) of the statutes is repealed.

- 19 **SECTION 9.** 49.143 (2) (bm) of the statutes is created to read:

1 49.143 (2) (bm) Provide information and services aimed at connecting youth
2 and their parents with schools, career development services, and workforce
3 development programs, including the Youth Apprenticeship Program under s.
4 ^{106.13}~~106.09~~ and the Wisconsin Covenant Scholars Program under s. 39.437. The contract
5 shall include a description of the information and services the Wisconsin Works
6 agency will provide in fulfillment of the requirement under this paragraph and how
7 the information and services will be provided.

8 **SECTION 10.** 49.143 (2m) (intro.) of the statutes is amended to read:

9 49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin ~~works~~ Works agency
10 may establish a nutrition outreach program ~~with the community steering committee~~
11 ~~established under sub. (2) (a).~~ The Wisconsin ~~works~~ agency and community steering
12 ~~committee~~ and may coordinate with local food pantries and food banks and other
13 interested parties to increase the supply of food available. Under the outreach
14 program, the Wisconsin ~~works~~ Works agency may do anything that it determines
15 would best effect the desired outcome of the program, including any of the following:

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25; 2007 a. 20.

16 **SECTION 11.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

17 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~
18 committee that includes qualified aliens and that may do any of the following:

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25; 2007 a. 20.

****NOTE: Is this how you want this paragraph amended? You could also have the
W-2 agency doing what follows, itself

19 **SECTION 12.** 49.145 (2) (h) of the statutes is repealed.

20 **SECTION 13.** 49.145 (2) (hm) of the statutes is repealed.

21 **SECTION 14.** 49.145 (2) (n) of the statutes is repealed and recreated to read:

1 49.145 (2) (n) The total number of months in which the individual or an adult
2 member of the individual's Wisconsin Works group has received assistance, as
3 defined in XXXX, does not exceed 60 months.

****NOTE: Based on the description of the desired change, I assumed that there was a federal citation for the definition of "assistance" and that the citation could be included in the text. If that is the case, what is the citation? If that is not the case, I would propose: "Neither the individual nor any adult member of the individual's Wisconsin Works group has exceeded the 60-month federal time limit for the receipt of assistance." Even then it would be good to define "assistance," but not as crucial because of the reference to the federal time limit.

****NOTE: Do you want to retain any of the subdivisions under this paragraph, such as subd. 2. or 3.?

4 **SECTION 15.** 49.147 (3) (c) of the statutes is repealed.

5 **SECTION 16.** 49.147 (4) (as) of the statutes is repealed.

6 **SECTION 17.** 49.147 (4) (at) of the statutes is amended to read:

7 49.147 (4) (at) *Motivational training.* A Wisconsin ~~works~~ Works agency may
8 require a participant, during the first 2 weeks of participation under this subsection,
9 to participate in an assessment and motivational training program identified by the
10 ~~community steering committee under s. 49.143 (2) (a)~~ 10. The Wisconsin ~~works~~
11 Works agency may require not more than 40 hours of participation per week under
12 this paragraph in lieu of the participation requirement under ~~par. (as)~~ pars. (a) and
13 (am).

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

****NOTE: Is this ok, or do you also want to eliminate the reference to 40 hours?

14 **SECTION 18.** 49.147 (4) (av) of the statutes is amended to read:

15 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A
16 Wisconsin ~~works~~ Works agency shall permit a participant under this subsection who
17 has not attained the age of 20 and who has not obtained a high school diploma or a
18 declaration of equivalency of high school graduation to attend high school or, at the
19 option of the participant, to enroll in a course of study meeting the standards

1 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
2 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~
3 requirement under ~~par. (as)~~ pars. (a) and (am).

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

4 **SECTION 19.** 49.147 (4) (b) of the statutes is repealed.

5 **SECTION 20.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)
6 (b) (intro.).

7 **SECTION 21.** 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

8 **SECTION 22.** 49.147 (5) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

9 **SECTION 23.** 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

10 **SECTION 24.** 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

11 **SECTION 25.** 49.147 (5) (b) 2. of the statutes is repealed.

12 **SECTION 26.** 49.147 (5) (bs) of the statutes is repealed.

13 **SECTION 27.** 49.147 (5) (bt) of the statutes is amended to read:

14 49.147 (5) (bt) *Motivational training.* A Wisconsin ~~works~~ Works agency may
15 require a participant, during the first 2 weeks of participation under this subsection,
16 to participate in an assessment and motivational training program identified by the
17 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin ~~works~~
18 Works agency may require not more than 40 hours of participation per week under
19 this paragraph in lieu of the participation requirement under ~~par. (bs)~~ pars. (b) and
20 (bm).

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

****NOTE: Is this ok, or do you also want to eliminate the reference to 40 hours?

21 **SECTION 28.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

22 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except
23 as provided in par. (bL), a participant under sub. (4) ~~(b)~~ or (5) may participate in a

1 technical college education program as part of a community service job placement or
2 transitional placement if all of the following requirements are met:

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

3 **SECTION 29.** 49.147 (5m) (a) 1. of the statutes is amended to read:

4 49.147 (5m) (a) 1. The Wisconsin ~~works~~ Works agency, in consultation with the
5 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
6 college district board, determines that the technical college education program is
7 likely to lead to employment.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

8 **SECTION 30.** 49.147 (5m) (c) of the statutes is amended to read:

9 49.147 (5m) (c) The Wisconsin ~~works~~ Works agency shall work with the
10 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
11 college district board to monitor the participant's progress in the technical college
12 education program and the effectiveness of the program in leading to employment.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

13 **SECTION 31.** 49.148 (1) (c) of the statutes is amended to read:

14 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
15 placement under s. 49.147 (5) or in a transitional placement and in technical college
16 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~
17 Works agency. For every hour that the participant fails to participate in any required
18 activity without good cause, including any activity under s. 49.147 (5) (b) 1. ~~a. to e.~~
19 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be
20 determined by the financial and employment planner in accordance with rules
21 promulgated by the department. Good cause shall include required court
22 appearances for a victim of domestic abuse.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

23 **SECTION 32.** 49.148 (1m) (a) of the statutes is amended to read:

1 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and
2 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
3 monthly grant of \$673 unless another adult member of the custodial parent's
4 Wisconsin works Works group is participating in, or is eligible to participate in, a
5 Wisconsin works Works employment position or is employed in unsubsidized
6 employment, as defined in s. 49.147 (1) (c). A Wisconsin works Works agency may
7 not require a participant under this subsection to participate in any employment
8 positions. Receipt of a grant under this subsection does not constitute participation
9 in a Wisconsin works Works employment position for purposes of the time limits limit
10 under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the
11 participant not more than 10 months after the date that the participant was first
12 determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works
13 employment position.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

14 **SECTION 33.** 49.148 (1m) (b) of the statutes is amended to read:

15 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
16 participation in a Wisconsin works Works employment position for purposes of the
17 time limits under ss. limit under s. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) or (5) (b)
18 2. if the child is born to the participant more than 10 months after the date that the
19 participant was first determined to be eligible for assistance under s. 49.19 or for a
20 Wisconsin works Works employment position unless the child was conceived as a
21 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother
22 did not indicate a freely given agreement to have sexual intercourse or of incest in

1 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
2 to a physician and to law enforcement authorities.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

3 **SECTION 34.** 49.148 (4) (b) of the statutes is amended to read:

4 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
5 who tests positive for use of a controlled substance under par. (a) to participate in a
6 drug abuse evaluation, assessment, and treatment program as part of the
7 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

8 **SECTION 35.** 49.151 (1) (b) of the statutes is amended to read:

9 49.151 (1) (b) The participant, or an individual who is in the participant's
10 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
11 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works
12 agency, to appear for an interview with a prospective employer or, if the participant
13 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear
14 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e.~~ 1m. to
15 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

History: 1995 a. 289; 1997 a. 27.

16 **SECTION 36.** 49.1515 of the statutes is created to read:

17 **49.1515 Determining nonparticipation without good cause. (1)**

18 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining
19 when a participant, or individual in the participant's Wisconsin Works group, who
20 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating
21 a refusal to participate.

22 **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that
23 a participant is ineligible to participate in a Wisconsin Works employment position,

1 the Wisconsin Works agency shall, each time the participant or an individual in the
2 participant's Wisconsin Works group fails to participate, do all of the following:

3 (a) Determine whether the failure of the participant or individual to participate
4 is because the participant or individual refuses to participate or is unable to
5 participate.

6 (b) Ensure that the services offered to the participant or individual are
7 appropriate for him or her.

8 (c) Determine whether good cause exists for the failure to participate.

****NOTE: The description of the proposal seemed limited to ineligibility to
participate in an employment position under s. 49.151. However, do you want this to
apply to a reduction in wages under s. 49.148, also?

9 (3) CONCILIATION PERIOD FOR COMPLIANCE. (a) If a Wisconsin Works agency, in
10 accordance with rules promulgated under sub. (1) and after taking the steps required
11 under sub. (2), determines that a participant or individual has refused to participate
12 without good cause, the Wisconsin Works agency shall allow the participant or
13 individual a conciliation period during which he or she may provide additional
14 documentation of participation or of good cause. The participant shall be allowed to
15 continue to participate in the employment position during the conciliation period.

16 (b) The department shall by rule establish the length of time for a conciliation
17 period.

****NOTE: The department recommended that s. 49.153 be revised or repealed if the
recommendation for proposed s. 49.1515 were adopted. I don't think that s. 49.153 is
necessarily incompatible with proposed s. 49.1515. I see it as coming into play after the
conciliation period if the participant cannot provide satisfactory documentation. It could,
however, be incorporated into proposed s. 49.1515 by requiring the notice under s. 49.153
(1) (a) and (b) as requirements under proposed s. 49.1515 (2). The conciliation period
would take the place of s. 49.153 (1) (c). What would you like to do with s. 49.153?

SECTION 37. 49.155 (1m) (a) 1. of the statutes is amended to read:

LPS: 18
No striking
or scoring
at this
time.

1 49.155 (1m) (a) 1. Meet the school attendance requirement under s. 49.26 (1)
2 (ge).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

****NOTE: Do you want this subdivision simply repealed or do you want to substitute another requirement, such as "attend school" or "be enrolled in school"?

3 **SECTION 38.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

4 49.155 (1m) (a) 1m. (intro.) Obtain a high school diploma or participate in a
5 course of study meeting the standards established by the state superintendent of
6 public instruction for the granting of a declaration of equivalency of high school
7 graduation, if the individual is not ~~subject to the school attendance requirement~~
8 ~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions
9 is met:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

****NOTE: Is this how you want this paragraph amended? I don't really see a school attendance requirement in s. 49.26 (1) (ge), so I can't just substitute that language.

10 **SECTION 39.** 49.26 of the statutes is repealed.

11 **SECTION 40.** 49.32 (6) of the statutes is amended to read:

12 49.32 (6) WELFARE REFORM STUDIES. The department shall request proposals
13 from persons in this state for studies of the effectiveness of various program changes,
14 referred to as welfare reform, to the aid to families with dependent children program,
15 including the requirement that certain recipients of aid to families with dependent
16 children with children under age 6 participate in training programs, ~~the learnfare~~
17 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the
18 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
19 effectiveness of the various efforts, including their cost-effectiveness, in helping
20 individuals gain independence through the securing of jobs and providing financial
21 incentives and in identifying barriers to independence.

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16; 2003 a. 33; 2007 a. 20 ss. 1483 to 1491, 9121 (6) (a).

✓
1 **SECTION 41.** 49.79 (1) (fm) of the statutes is created to read:

2 49.79 (1) (fm) "School" means any of the following:

3 1. A public school, as described in s. 115.01 (1). ✓

4 2. A private school, as defined in s. 115.001 (3r). ✓

5 3. A technical college pursuant to a contract under s. 118.15 (2). ✓

6 4. A course of study meeting the standards established by the state
7 superintendent of public instruction under s. 115.29 (4) for the granting of a
8 declaration of equivalency of high school graduation.

9 **SECTION 42.** 49.79 (9) (a) 3. of the statutes is amended to read:

10 49.79 (9) (a) 3. The department may not require an individual who is a recipient
11 under the food stamp program to participate in any employment and training
12 program under this subsection if that individual is enrolled at least half time in a
13 school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of higher
14 education.

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

15 **SECTION 43.** 118.15 (5) (b) 1. of the statutes is repealed.

16 **SECTION 44.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

17 **SECTION 45.** 119.82 (title) of the statutes is amended to read:

18 **119.82 (title) Alternative educational programs for learnfare certain**
19 **pupils.**

History: 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 4021, 9145 (1); 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 104; 2003 a. 33.

20 **SECTION 46.** 119.82 (1m) (c) of the statutes is repealed.

21 ****NOTE: With the repeal of the criterion under par. (c), is this program (under s.
22 119.82) still viable?

21 **SECTION 47.** 948.45 (1) of the statutes is amended to read:

22 948.45 (1) ~~Except as provided in sub. (2), any~~ Any person 17 years of age or older
23 who, by any act or omission, knowingly encourages or contributes to the truancy, as

defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class C misdemeanor.

History: 1987 a. 285; 1989 a. 31 s. 2835m; Stats. 1989 s. 948.45; 1995 a. 27.

SECTION 48. 948.45 (2) of the statutes is repealed.

SECTION 9308. Initial applicability; Children and Families.

(1) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The treatment of sections 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b) 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and (5m) (a) (intro.) and 1. and (c), 49.148 (1) (c), (1m) (a) and (b), and (4) (b), 49.151 (1) (b), 49.1515, and 49.155 (1m) (a) 1. and 1m. (intro.) of the statutes first applies to individuals currently participating in Wisconsin Works on the effective date of this subsection.

(2) JOB SEARCH AND COOPERATION ELIGIBILITY REQUIREMENTS UNDER WISCONSIN WORKS. The treatment of sections 49.145 (2) (h) and (hm) of the statutes first applies to individuals who apply for Wisconsin Works on the effective date of this subsection.

(3) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2) (a), (am), (b), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c) of the statutes first applies to Wisconsin Works agencies that enter into agency contracts or that renew agency contracts on the effective date of this subsection.

(4) REPEAL OF LEARNFARE.

(a) *Compulsory school attendance*. The treatment of section 118.15 (5) (b) 1. and 2. of the statutes first applies to violations occurring on the effective date of this paragraph.

(1m) (b) *Alternative educational programs*. The treatment of section 119.82 (title) and (c) of the statutes first applies to requests for alternative educational programs that are made on the effective date of this paragraph.

1 (c) *Contributing to truancy*. The treatment of section 948.45 (1) and (2) of the
2 statutes first applies to acts or omissions occurring on the effective date of this
3 paragraph.
4

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/7dn

PJK...

Date

Are the initial applicability provisions ok? Do we need any others?

Do we need an effective date for the repeal of Learnfare? Are any persons currently subject to sanctions?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Note the numerous embedded NOTES throughout the draft.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1059/P1dn
PJK:kjf:md

December 17, 2008

Are the initial applicability provisions ok? Do we need any others?

Do we need an effective date for the repeal of Learnfare? Are any persons currently subject to sanctions?

Note the numerous embedded NOTES throughout the draft.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Grimsrud, Sarah - DOA [Sarah.Grimsrud@wisconsin.gov]
Sent: Tuesday, January 20, 2009 1:50 PM
To: Kahler, Pam
Subject: RE: LRB0238/2 and LRB 1377/1

PLEASE DELETE THE FOLLOWING ITEMS FROM LRB-1059 (it might help to refer to the original issue paper on this):

- ✓ 1. Job Search Prior to Applying for W-2 (49.145(32)(h)) – issue paper recommendation #5
- ✓ 2. Cooperation with the W-2 Agency as a Condition of Initial Eligibility (49.145(2)(hm)) – issue paper recommendation #6

That should be it for the edits on that draft, unless someone else brings new information to my attention. Thanks for all of your assistance. Let me know if you have any questions.

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, January 20, 2009 1:18 PM
To: Grimsrud, Sarah - DOA
Subject: RE: LRB0238/2 and LRB 1377/1

I will do an analysis for LRB-1059, then. Do you know yet if there will be any changes to the statutory text?

From: Grimsrud, Sarah - DOA [mailto:Sarah.Grimsrud@wisconsin.gov]
Sent: Tuesday, January 20, 2009 1:14 PM
To: Kahler, Pam
Subject: RE: LRB0238/2 and LRB 1377/1

Yes on LRB 1059. I am briefing later this week on child care, so I am not sure about LRB 1193, of if we are going to move ahead with the traditional savings options that are part of LRB1399.

Sorry I don't have a complete answer for you.

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, January 20, 2009 1:05 PM

01/20/2009

To: Grimsrud, Sarah - DOA
Subject: RE: LRB0238/2 and LRB 1377/1

Sarah:

I have a couple of budget drafts without analyses - LRB-1059 and LRB-1193. Do you think they will be in? If so, I should draft analyses for them, but if they will not be in I won't. Thanks.

Pam

From: Grimsrud, Sarah - DOA [mailto:Sarah.Grimrud@wisconsin.gov]
Sent: Tuesday, January 20, 2009 11:48 AM
To: Kahler, Pam
Subject: LRB0238/2 and LRB 1377/1

Hi Pam,

Both of the drafts referenced in the subject line above reference 49.775(2)(bm). I am not sure how everything gets incorporated in to the budget bill, but both changes made in each draft should be part of the budget bill eventually, I think.

Do I need to do anything at this point to further ensure that the drafts are combined?

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

01/20/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1059/P1

PJK:kjf:md

7P2
r m is m m kjf

DOA:.....Grimsrud, BB0249 - Streamlining Wisconsin Works

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note
(in 1-20)

do not generate

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Insert A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.207 (24) (a) 7. of the statutes is amended to read:

3 15.207 (24) (a) 7. ~~Subject to par. (d), two~~ ^{Two} members who are nominated by a
4 children's services network established in Milwaukee County under s. 49.143 (2) (b)
5 and who are residents of the geographical area established under s. 49.143 (6) that
6 is served by the children's services network.

****NOTE: Since we are repealing the requirement to establish children's services networks, what do you want to do about nominating these members of the Milwaukee child welfare partnership council? Note that I repealed s. 15.207 (24) (d).

1 **SECTION 2.** 15.207 (24) (d) of the statutes is repealed.

2 **SECTION 3.** 20.437 (2) (dz) of the statutes is amended to read:

3 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
4 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
5 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
6 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
7 experience program for noncustodial parents under s. 49.36; for payments to local
8 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
9 and for emergency assistance for families with needy children under s. 49.138.
10 Payments may be made from this appropriation for any contracts under s. 49.845 (4)
11 and for any fraud investigation and error reduction activities under s. 49.197 (1m).
12 Moneys appropriated under this paragraph may be used to match federal funds
13 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
14 department may transfer funds between fiscal years under this paragraph.
15 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
16 shall credit or deposit into this appropriation account funds for the purposes of this
17 appropriation that the department transfers from the appropriation account under
18 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
19 December 31 of each year lapse to the general fund on the next January 1 unless
20 transferred to the next calendar year by the joint committee on finance.

21 **SECTION 4.** 46.215 (1) (j) of the statutes is amended to read:

22 46.215 (1) (j) To make payments in such manner as the department of children
23 and families may determine for training of recipients, former recipients, and
24 potential recipients of aid in programs the program established under s. 49.193, 1997
25 stats., ~~and s. 49.26 (1).~~

***NOTE: Are payments still being made under the s. 49.193, 1997 stats., program?
If not, this paragraph can be repealed.

1 **SECTION 5.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

2 46.22 (1) (b) 2. e. To make payments in such manner as the department of
3 children and families may determine for training of recipients, former recipients and
4 potential recipients of aid in ~~programs~~ the program established under s. 49.193, 1997
5 stats., and s. 49.26 (1).

***NOTE: Are payments still being made under the s. 49.193, 1997 stats., program?
If not, this paragraph can be repealed.

6 **SECTION 6.** 49.143 (2) (a) of the statutes is repealed.

7 **SECTION 7.** 49.143 (2) (am) of the statutes is created to read:

8 49.143 (2) (am) Provide information and services aimed at connecting
9 Wisconsin Works participants with their communities and the resources available,
10 including employer and job connections, mentorships, child care services and
11 providers, the local council on workforce investment, charitable food and clothing
12 centers, subsidized and low-income housing, and transportation subsidies. The
13 contract shall include a description of the information and services the Wisconsin
14 Works agency will provide in fulfillment of the requirement under this paragraph
15 and how the the information and services will be provided.

16 **SECTION 8.** 49.143 (2) (b) of the statutes is repealed.

17 **SECTION 9.** 49.143 (2) (bm) of the statutes is created to read:

18 49.143 (2) (bm) Provide information and services aimed at connecting youth
19 and their parents with schools, career development services, and workforce
20 development programs, including the Youth Apprenticeship Program under s.
21 106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract
22 shall include a description of the information and services the Wisconsin Works

1 agency will provide in fulfillment of the requirement under this paragraph and how
2 the information and services will be provided.

3 **SECTION 10.** 49.143 (2m) (intro.) of the statutes is amended to read:

4 49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin ~~works~~ Works agency
5 may establish a nutrition outreach program ~~with the community steering committee~~
6 ~~established under sub. (2) (a).~~ The Wisconsin ~~works~~ agency and community steering
7 ~~committee~~ and may coordinate with local food pantries and food banks and other
8 interested parties to increase the supply of food available. Under the outreach
9 program, the Wisconsin ~~works~~ Works agency may do anything that it determines
10 would best effect the desired outcome of the program, including any of the following:

11 **SECTION 11.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

12 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~
13 ~~committee~~ that includes qualified aliens and that may do any of the following:

****NOTE: Is this how you want this paragraph amended? You could also have the
W-2 agency doing what follows, itself.

14 **SECTION 12.** 49.145 (2) (h) of the statutes is repealed.

15 **SECTION 13.** 49.145 (2) (hm) of the statutes is repealed.

16 **SECTION 14.** 49.145 (2) (n) of the statutes is repealed and recreated to read:

17 49.145 (2) (n) The total number of months in which the individual or an adult
18 member of the individual's Wisconsin Works group has received assistance, as
19 defined in XXXX, does not exceed 60 months.

****NOTE: Based on the description of the desired change, I assumed that there was
a federal citation for the definition of "assistance" and that the citation could be included
in the text. If that is the case, what is the citation? If that is not the case, I would propose:
"Neither the individual nor any adult member of the individual's Wisconsin Works group
has exceeded the 60-month federal time limit for the receipt of assistance." Even then
it would be good to define "assistance," but not as crucial because of the reference to the
federal time limit.

****NOTE: Do you want to retain any of the subdivisions under this paragraph, such
as subd. 2. or 3.?

✓
1 **SECTION 15.** 49.147 (3) (c) of the statutes is repealed.

✓
2 **SECTION 16.** 49.147 (4) (as) of the statutes is repealed.

✓
3 **SECTION 17.** 49.147 (4) (at) of the statutes is amended to read:

4 49.147 (4) (at) *Motivational training.* A Wisconsin works Works agency may
5 require a participant, during the first 2 weeks of participation under this subsection,
6 to participate in an assessment and motivational training program identified by the
7 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin works
8 Works agency may require not more than 40 hours of participation per week under
9 this paragraph in lieu of the participation requirement under ~~par. (as)~~ pars. (a) and
10 (am).

***NOTE: Is this ok, or do you also want to eliminate the reference to 40 hours?

✓
11 **SECTION 18.** 49.147 (4) (av) of the statutes is amended to read:

12 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A
13 Wisconsin works Works agency shall permit a participant under this subsection who
14 has not attained the age of 20 and who has not obtained a high school diploma or a
15 declaration of equivalency of high school graduation to attend high school or, at the
16 option of the participant, to enroll in a course of study meeting the standards
17 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
18 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~
19 requirement under ~~par. (as)~~ pars. (a) and (am).

✓
20 **SECTION 19.** 49.147 (4) (b) of the statutes is repealed.

✓
21 **SECTION 20.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)
22 (b) (intro.).

✓
23 **SECTION 21.** 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

✓
24 **SECTION 22.** 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

1 **SECTION 23.** 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

2 **SECTION 24.** 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

3 **SECTION 25.** 49.147 (5) (b) 2. of the statutes is repealed.

4 **SECTION 26.** 49.147 (5) (bs) of the statutes is repealed.

5 **SECTION 27.** 49.147 (5) (bt) of the statutes is amended to read:

6 49.147 (5) (bt) *Motivational training*. A Wisconsin ~~works~~ Works agency may
7 require a participant, during the first 2 weeks of participation under this subsection,
8 to participate in an assessment and motivational training program identified by the
9 community steering committee under s. ~~49.143 (2) (a)~~ 10. The Wisconsin ~~works~~
10 Works agency may require not more than 40 hours of participation per week under
11 this paragraph in lieu of the participation requirement under ~~par. (bs)~~ pars. (b) and
12 (bm).

****NOTE: Is this ok, or do you also want to eliminate the reference to 40 hours?

13 **SECTION 28.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

14 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except
15 as provided in par. (bL), a participant under sub. (4) ~~(b)~~ or (5) may participate in a
16 technical college education program as part of a community service job placement or
17 transitional placement if all of the following requirements are met:

18 **SECTION 29.** 49.147 (5m) (a) 1. of the statutes is amended to read:

19 49.147 (5m) (a) 1. The Wisconsin ~~works~~ Works agency, in consultation with the
20 community steering committee established under s. ~~49.143 (2) (a)~~ and the technical
21 college district board, determines that the technical college education program is
22 likely to lead to employment.

23 **SECTION 30.** 49.147 (5m) (c) of the statutes is amended to read:

1 49.147 (5m) (c) The Wisconsin ~~works~~ Works agency shall work with the
2 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
3 college district board to monitor the participant's progress in the technical college
4 education program and the effectiveness of the program in leading to employment.

5 **SECTION 31.** 49.148 (1) (c) of the statutes is amended to read:

6 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
7 placement under s. 49.147 (5) or in a transitional placement and in technical college
8 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~
9 Works agency. For every hour that the participant fails to participate in any required
10 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~
11 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be
12 determined by the financial and employment planner in accordance with rules
13 promulgated by the department. Good cause shall include required court
14 appearances for a victim of domestic abuse.

15 **SECTION 32.** 49.148 (1m) (a) of the statutes is amended to read:

16 49.148 (1m) (a) A custodial parent of a child ~~who is~~ 12 weeks old or less ~~and~~
17 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
18 monthly grant of \$673 unless another adult member of the custodial parent's
19 Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a
20 Wisconsin ~~works~~ Works employment position or is employed in unsubsidized
21 employment, as defined in s. 49.147 (1) (c). A Wisconsin ~~works~~ Works agency may
22 not require a participant under this subsection to participate in any employment
23 positions. Receipt of a grant under this subsection does not constitute participation
24 in a Wisconsin ~~works~~ Works employment position for purposes of the time ~~limits~~ limit
25 under s. 49.145 (2) (n) ~~or 49.147 (3) (e), (4) (b) or (5) (b) 2.~~ if the child is born to the

1 participant not more than 10 months after the date that the participant was first
2 determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~ Works
3 employment position.

4 **SECTION 33.** 49.148 (1m) (b) of the statutes is amended to read:

5 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
6 participation in a Wisconsin ~~works~~ Works employment position for purposes of the
7 time ~~limits under ss.~~ limit under s. 49.145 (2) (n) and ~~49.147 (3) (c), (4) (b) or (5) (b)~~
8 ~~2.~~ if the child is born to the participant more than 10 months after the date that the
9 participant was first determined to be eligible for assistance under s. 49.19 or for a
10 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
11 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother
12 did not indicate a freely given agreement to have sexual intercourse or of incest in
13 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
14 to a physician and to law enforcement authorities.

15 **SECTION 34.** 49.148 (4) (b) of the statutes is amended to read:

16 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
17 who tests positive for use of a controlled substance under par. (a) to participate in a
18 drug abuse evaluation, assessment, and treatment program as part of the
19 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

20 **SECTION 35.** 49.151 (1) (b) of the statutes is amended to read:

21 49.151 (1) (b) The participant, or an individual who is in the participant's
22 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
23 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works
24 agency, to appear for an interview with a prospective employer or, if the participant
25 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear

1 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~
2 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

3 **SECTION 36.** 49.1515 of the statutes is created to read:

4 **49.1515 Determining nonparticipation without good cause. (1)**

5 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining
6 when a participant, or individual in the participant's Wisconsin Works group, who
7 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating
8 a refusal to participate.

9 **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that
10 a participant is ineligible to participate in a Wisconsin Works employment position,
11 the Wisconsin Works agency shall, each time the participant or an individual in the
12 participant's Wisconsin Works group fails to participate, do all of the following:

13 (a) Determine whether the failure of the participant or individual to participate
14 is because the participant or individual refuses to participate or is unable to
15 participate.

16 (b) Ensure that the services offered to the participant or individual are
17 appropriate for him or her.

18 (c) Determine whether good cause exists for the failure to participate.

****NOTE: The description of the proposal seemed limited to ineligibility to
participate in an employment position under s. 49.151. However, do you want this to
apply to a reduction in wages under s. 49.148, also?

19 **(3) CONCILIATION PERIOD FOR COMPLIANCE.** (a) If a Wisconsin Works agency, in
20 accordance with rules promulgated under sub. (1) and after taking the steps required
21 under sub. (2), determines that a participant or individual has refused to participate
22 without good cause, the Wisconsin Works agency shall allow the participant or
23 individual a conciliation period during which he or she may provide additional

1 documentation of participation or of good cause. The participant shall be allowed to
2 continue to participate in the employment position during the conciliation period.

3 (b) The department shall by rule establish the length of time for a conciliation
4 period.

5 *August 10-4* *→* ******NOTE:** The department recommended that s. 49.153 be revised or repealed if the
recommendation for proposed s. 49.1515 were adopted. I don't think that s. 49.153 is
necessarily incompatible with proposed s. 49.1515. I see it as coming into play after the
conciliation period if the participant cannot provide satisfactory documentation. It could,
however, be incorporated into proposed s. 49.1515 by requiring the notice under s. 49.153
(1) (a) and (b) as requirements under proposed s. 49.1515 (2). The conciliation period
would take the place of s. 49.153 (1) (c). What would you like to do with s. 49.153?

6 **SECTION 37.** 49.155 (1m) (a) 1. of the statutes is amended to read:

7 *Attend*
8 49.155 (1m) (a) 1. ~~Meet the school attendance requirement~~ under s. 49.26 (1)
(ge).

9 ******NOTE:** Do you want this subdivision simply repealed or do you want to
substitute another requirement, such as "attend school" or "be enrolled in school"?

10 **SECTION 38.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

11 49.155 (1m) (a) 1m. (intro.) Obtain a high school diploma or participate in a
12 course of study meeting the standards established by the state superintendent of
13 public instruction for the granting of a declaration of equivalency of high school
14 graduation, if the individual is not ~~subject to the school attendance requirement~~
~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions
is met:

15 ******NOTE:** Is this how you want this paragraph amended? I don't really see a school
attendance requirement in s. 49.26 (1) (ge), so I can't just substitute that language.

16 **SECTION 39.** 49.26 of the statutes is repealed.

17 **SECTION 40.** 49.32 (6) of the statutes is amended to read:

18 49.32 (6) WELFARE REFORM STUDIES. The department shall request proposals
19 from persons in this state for studies of the effectiveness of various program changes,
referred to as welfare reform, to the aid to families with dependent children program,

1 including the requirement that certain recipients of aid to families with dependent
2 children with children under age 6 participate in training programs, ~~the learnfare~~
3 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the
4 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
5 effectiveness of the various efforts, including their cost-effectiveness, in helping
6 individuals gain independence through the securing of jobs and providing financial
7 incentives and in identifying barriers to independence.

8 **SECTION 41.** 49.79 (1) (fm) [✓] of the statutes is created to read:

9 49.79 (1) (fm) "School" means any of the following:

- 10 1. A public school, as described in s. 115.01 (1).
- 11 2. A private school, as defined in s. 115.001 (3r).
- 12 3. A technical college pursuant to a contract under s. 118.15 (2).
- 13 4. A course of study meeting the standards established by the state
14 superintendent of public instruction under s. 115.29 (4) for the granting of a
15 declaration of equivalency of high school graduation.

16 **SECTION 42.** 49.79 (9) (a) 3. [✓] of the statutes is amended to read:

17 49.79 (9) (a) 3. The department may not require an individual who is a recipient
18 under the food stamp program to participate in any employment and training
19 program under this subsection if that individual is enrolled at least half time in a
20 school, ~~as defined in s. 49.26 (1) (a) 2.~~, a training program, or an institution of higher
21 education.

22 **SECTION 43.** 118.15 (5) (b) 1. [✓] of the statutes is repealed.

23 **SECTION 44.** 118.15 (5) (b) 2. [✓] of the statutes is renumbered 118.15 (5) (b).

24 **SECTION 45.** 119.82 (title) [✓] of the statutes is amended to read:

1 **119.82 (title) Alternative educational programs for learnfare certain**
2 **pupils.**

3 **SECTION 46.** 119.82 (1m) (c) of the statutes is repealed.

 ****NOTE: With the repeal of the criterion under par. (c), is this program (under s.
119.82) still viable?

4 **SECTION 47.** 948.45 (1) of the statutes is amended to read:

5 948.45 (1) ~~Except as provided in sub. (2), any~~ Any person 17 years of age or older
6 who, by any act or omission, knowingly encourages or contributes to the truancy, as
7 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class
8 C misdemeanor.

9 **SECTION 48.** 948.45 (2) of the statutes is repealed.

10 **SECTION 9308. Initial applicability; Children and Families.**

11 (1) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The
12 treatment of sections 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b)
13 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and (5m) (a) (intro.) and 1. and (c),
14 49.148 (1) (c), (1m) (a) and (b), and (4) (b), 49.151 (1) (b), 49.1515, ^{49.153(1)(c)} and 49.155 (1m)
15 (a) 1. and 1m. (intro.) of the statutes first applies to individuals participating in
16 Wisconsin Works on the effective date of this subsection.

17 (2) JOB SEARCH AND COOPERATION ELIGIBILITY REQUIREMENTS UNDER WISCONSIN
18 WORKS. The treatment of sections 49.145 (2) (h) and (hm) of the statutes first applies
19 to individuals who apply for Wisconsin Works on the effective date of this subsection.

20 (3) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)
21 (a), (am), (b), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c)
22 of the statutes first applies to Wisconsin Works agencies that enter into agency
23 contracts or that renew agency contracts on the effective date of this subsection.

(4) REPEAL OF LEARNFARE.

(a) *Compulsory school attendance.* The treatment of section 118.15 (5) (b) 1. and 2. of the statutes first applies to violations occurring on the effective date of this paragraph.

(b) *Alternative educational programs.* The treatment of section 119.82 (title and (1m) (c) of the statutes first applies to requests for alternative educational programs that are made on the effective date of this paragraph.

(c) *Contributing to truancy.* The treatment of section 948.45 (1) and (2) of the statutes first applies to acts or omissions occurring on the effective date of this paragraph.

(END)

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2009-2010 DRAFTING INSERT
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LRB-1059/P2ins
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INSERT A

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Eliminating the limits on the lengths of time during which a participant may participate in a particular type of employment position, but ^{retaining} the overall lifetime limit for participation of 60 months.

2. Removing the specifications on the number of hours a participant in a community service job placement or a transitional placement may be required to engage in certain job-related activities and in educational or training activities.

3. Requiring use of a single method, as provided under federal law, for measuring the 60-month ~~time~~ limit for an individual's participation in W-2.

4. Requiring DCF to specify guidelines for determining when a participant is demonstrating a refusal to participate, which could result in a reduced benefit amount or in eligibility to participate in a particular employment position, and requires a W-2 agency to allow a participant a conciliation period for providing additional documentation to show good cause for not participating.

5. Eliminating the Learnfare program, which subjected individuals who failed to meet certain school attendance requirements to sanctions determined by rule, and the requirement that a W-2 agency establish a community steering committee, and instead requiring W-2 agencies to provide information and services aimed at connecting W-2 participants, youth, and parents with their communities, their schools, employers, workforce development programs, child care providers, and other resources.

(END OF INSERT A)

INSERT 10-4

- 1 **SECTION 1.** 49.153 (1) (c) of the statutes is amended to read:
- 2 49.153 (1) (c) After providing the notice under par. (a) and the explanation or
- 3 the attempts to provide an explanation under par. (b), if the participant has not
- 4 already been afforded a conciliation period under s. 49.1515 (3) allow the participant

- 1 a reasonable time to rectify the deficiency, failure, or other behavior to avoid the
- 2 proposed action.

History: 2005 a. 25.

(END OF INSERT 10-4)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/P2dn

PJK...

Date

Sarah:

This version of the draft adds an analysis and retains (rather than eliminating, as in the previous version) the requirements for a W-2 applicant to make a good faith effort to obtain employment before applying and to have cooperated with the efforts of a W-2 agency to assist the applicant in obtaining employment.

I removed an embedded note after proposed s. 49.1515 (3) and added an amendment to s. 49.153 (1) (c) in its place.

The draft still has embedded notes where something needs to be addressed. I eliminated embedded notes where I thought the statute, as it appears in the draft, could remain as it is in the draft.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/P2dn
PJK:kjf:rs

January 21, 2009

Sarah:

This version of the draft adds an analysis and retains (rather than eliminating, as in the previous version) the requirements for a W-2 applicant to make a good faith effort to obtain employment before applying and to have cooperated with the efforts of a W-2 agency to assist the applicant in obtaining employment.

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